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Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706

Re: DEQ Zero-Based Regulation Negotiated Rulemaking -
Rules for the Control of Air Pollution in Idaho, Docket No. 58-0101-2101
Comments—Preliminary Draft Rule (Draft No. 1)

Dear Ms. Wilson:

The Idaho Department of Environmental Quality (Department) has initiated a negotiated rulemaking to comply with Executive Order No. 2020-01, Zero-Based Regulation (EO 2020-01), issued by Governor Little on January 16, 2020. Pursuant to EO 2020-01, the Department is performing a review of IDAPA 58.01.01 Rules for the Control of Air Pollution in Idaho to reduce overall regulatory burden, streamline various provisions, and increase clarity and ease of use. TORF Environmental Management assists businesses analyzing their air emission sources and complying with the Department's rules. TORF Environmental Management has a significant interest in this rulemaking since we support the Department's efforts to protect air quality and we help regulated facilities understand and comply with these rules.

I participated in the first negotiated rulemaking session held on October 28, 2021 and have the following general comment on the rulemaking:

- I support the Department's efforts to reduce regulatory burden and clarify the rules.

I offer the following questions and specific comments on the proposed revised rule:

- Section 210
Why is a T-RACT definition added to this Subsection rather than in Section 006 General Definitions or Section 007 Definitions For The Purposes Of Sections 200 Through 228 And 400 Through 461? For the purposes of streamlining provisions and

increasing clarity and ease of use, I suggest the Department consider moving this definition from Section 210 to Section 006 or Section 007.

- Section 222.01 Exempt Source and 222.02 Other Exempt Sources
Both Subsection 01 and 02 include the identical criteria—"A source that satisfies the criteria set forth in Section 220 and that is specified below." For the purposes of streamlining provisions and increasing clarity and ease of use, I suggest the Department consider combining Subsection 01 and 02 into a single Subsection.
- Section 222.01 Exempt Source (e) Pilot Plant
Since Pilot Plant appears to only be used in this Section, moving the definition from Section 007 Definitions For The Purposes Of Sections 200 Through 228 And 400 Through 461 to this Subsection seems useful For the purposes of streamlining provisions and increasing clarity and ease of use, I support moving this definition from Section 007 to Section 222.

Please provide examples of facilities that have used this exemption in the past. Why is the exclusion limited to sensitive receptors no closer than 1/4-mile when a Pilot Plant source must also satisfy the stringent Toxic Air Pollutant (TAP) emission limitations in Section 223 that are designed to be conservatively protective? For the purpose of reducing regulatory burden the Department should consider removing the "1/4-mile" limitation from both the definition of Pilot Plant and the exemption in Section 222.

Since the exclusion expires after 1 year of operating and cannot be renewed, the additional requirement to satisfy TAP emission limitations in Section 223 seems overly burdensome. In the event the Pilot Plant source emissions were minimal, after 1 year it would still have the option to demonstrate it qualifies for Section 223 exemption criteria and be exempt from the requirement to obtain a permit. For the purpose of reducing regulatory burden the Department should consider removing the Subsection (i) requirement to satisfy Section 223 just as Subsection (ii) eliminates the requirement to satisfy the radionuclides standard.

- Section 222.02 (l) Automotive Coating Operations
The Department currently offers the Form "Automotive Coating Self-Exemption Acknowledgement Request" to facilities. This existing self-exemption, with additions, is proposed to be added to the permit exemptions listed in Section 222.02.

In the last 10 years, how many automotive coating facilities have used this existing Automotive Coating Self-Exemption? How many in the last 3 years?

Is this exemption intended to be limited only to automobiles or would it include coating non-commercial passenger trucks? How about other transportation related vehicles such as commercial passenger trucks, fire fighting vehicles, buses, trailers, and aircraft? For the purpose of reducing regulatory burden and increasing clarity the Department should consider expanding this exclusion to all 1-gallon per day wet coating operations.

Use of paint coatings with silicon dioxide (CAS) #60676-86-0 has been excluded from the Automotive Coating Self-Exemption option and is also proposed to be excluded from the new Section 222.02 (l)(i) in subsection (l)(i)(2). Since use of 1 gallon per day of coatings containing more than 1.5% of crystalline forms of silicon dioxide without emission control are potentially hazardous and would exceed Section 223 TAP exclusions, I support maintaining this limitation in the new Section 222.02 (l)(i)(2).

The term “silica” is synonymous with “silicon dioxide.” In addition, silicon dioxide, when present in a paint coating, is often listed as “silica” with the same Chemical Abstract Service Number (CAS) Number 60676-86-0 that Section 222.02 (l)(2) uses for silicon dioxide. Moreover, Section 585 Toxic Air Pollutants Non-Carcinogenic Increments includes “silica, fused CAS Number 60676-86-0” but not “silicon dioxide.” For the purpose of increasing clarity the Department should consider adding “silica” to Section 222.02 (l)(i)(2) as another name for silicon dioxide.

A common crystalline form of silica is “quartz.” In addition, when a paint coating includes a crystalline form of silica it is sometimes described as “quartz.” Both quartz and silica (silicon dioxide) are listed in Section 585 under the common heading “Silica, crystalline - including.” Quartz (CAS No. 14808-60-7) has the same emission screening level and ambient concentration level as silica (silicon dioxide), indicating the potential emission impact of quartz is similar to silica (silicon dioxide). For the purpose of increasing clarity and protecting public health the Department should consider adding “quartz” to Section 222.02 (l)(i).

Another common crystalline form of silica is “cristobalite.” Like silica and quartz, cristobalite is also listed in Section 585 under the common heading “Silica, crystalline - including.” Cristobalite (CAS No. 14464-46-1) has a lower, more stringent, emission screening level and ambient concentration level as silica (silicon dioxide), indicating the potential emission impact of cristobalite is higher than silica (silicon dioxide). I have not observed cristobalite as paint coating ingredient as often silica or quartz. However, for the purpose of protecting public health the Department should consider adding “cristobalite” to Section 222.02 (l)(i).

Use of natural gas heaters with maximum input rating in excess of 1.75 MMBtu/hr. has been excluded from the Automotive Coating Self-Exemption option and is


proposed to be excluded from the new Section 222.02 (l) in subsection (l)(4). However, analysis of uncontrolled unrestricted emissions of natural gas combustion using EPA's emission factor AP-42 Chapter 1.4 indicates that up to 3.5 MMBtu/hr. would qualify for Section 221 Category I Exemption and Section 223 TAP Level I Exemption. Although small 1 gallon per day coating operations may not require capacity in excess of 1.75 MMBtu/hr., for the purpose of reducing regulatory burden the Department should consider increasing the 1.75 MMBtu/hr. limitation.

Use of liquefied petroleum gas (LPG) heaters, usually propane, with maximum input rating in excess of 1.75 MMBtu/hr. has been excluded from the Automotive Coating Self-Exemption option and is proposed to be excluded from the new Section 222.02 (l) in subsection (l)(i)(4). Unlike natural gas combustion, usually only propane, and sometimes butane, are constituents in LPG. According to EPA's emission factor document AP-42 Chapter 1.5, no significant emissions of TAPs are anticipated from combustion of LPG. In addition, AP-42 1.5 indicates that 1,000 gallons propane is equivalent to 91.5 MMBtu (0.0915 MMBtu/gallon). Limiting the exclusion to 1.75 MMBtu/hr. would limit the heater to a maximum of 19 gallons per hour. Although small 1 gallon per day coating operations may not require propane combustion capacity in excess of 19 gallons per hour, up to 70.3 gallons per hour (6.4 MMBtu/hr) uncontrolled unrestricted operations would satisfy Section 221 Category I Exemption criteria, considerably more if restricted hours of operation are considered. Consequently, the LPG 1.75 MMBtu/hr. limit appears unreasonably restrictive. For the purpose of reducing regulatory burden the Department should consider either eliminating LPG from proposed 222.02 (l)(i) or substantially increasing the 1.75 MMBtu/hr. limitation for LPG.

- Section 585 Toxic Air Pollutants Non-Carcinogenic Increments and 586 Toxic Air Pollutants Carcinogenic Increments.
Proposed notes added at the bottom of Sections 585 and 586 appear to provide references used to establish values for Table categories OEL, AAC, URF and AACC. However, it is not clear which federal or state references were used for individual chemical constituents or how the various references were applied. In addition, no references or explanation for the derivation of screening emissions levels (EL) is provided. Please describe how these additional notes improve clarity and ease of use of the regulation.

I appreciate the opportunity to provide comments on this rulemaking.

Sincerely,
TORF Environmental Management


Mark A. Torf

Sr. Professional

